LAPLEY, STRETTON AND WHEATON ASTON PARISH COUNCIL
COUNCIL CODE OF CONDUCT FOR COUNCILLORS

Introduction

This Code of Conduct ("the Code") was adopted by Lapley, Stretton and Wheaton Aston Parish Council ("the Council") as required by Section 27 of the Localism Act, 2011 ("the Act") at a meeting of the Council held on 28th May 2020.

The Council has a statutory duty under the Act to promote and maintain high standards of conduct by members and co-opted members of the Council ("the members").

This means that the Council expects Members to follow this Code when they are conducting the work of the Council, representing the Council on any external organisation, and otherwise acting in their official capacity.

The Code of Conduct does not apply to what Members do in their private and personal lives[1].

Due to the Coronavirus Pandemic the Coronavirus Regulation Act 2020 has been implemented.
Councillors are to email the Clerk with agreement to the Code of Conduct

Part One - Standards of Conduct

As a member of the Council you must have regard to, and act in accordance with, the following principles of standards of conduct[2]:

1. Selflessness

You should serve only in the public interest, and should never improperly confer an advantage or disadvantage on any person, organisation or group, or any other third party[3].

2. Honesty and Integrity

You should not place yourself in situations where your honesty and integrity may be questioned, you should not behave improperly and should avoid the appearance of such behaviour.

3. Objectivity

You must make decisions based on the information before you, having had regard to any professional advice provided to you and in accordance with your view of the public interest. You should make decisions on merit, this includes when making appointments, awarding contracts, or recommending individuals for awards or other recognition.

4. Accountability

You are accountable to the public for your decisions and actions and the manner in which you carry out your duties. You must co-operate fully and honestly with any scrutiny appropriate to your office. You should not undertake any action which

[1] When engaging in political activities such as canvassing for re-election Members are not acting in their official capacity, and for the purposes of this Code of Conduct, such political activities are considered part of a Member's private and personal life.
[2] And in accordance with any supplementary guidance or protocols agreed by the authority from time to time – in particular the Planning Protocol and the Social Media Protocol
[3] This does not mean that Members are under any obligation to support or become involved in all requests for assistance from their constituents.

would bring the Council, your position, or the position of Members generally, into disrepute.

5. Openness
You must be as open as possible about your actions and those of the authority, and should be prepared to give reasons for those actions.

6. Leadership
You must promote and maintain high standards of conduct by supporting these principles by leadership and by example, and should act in a way that secures or preserves the confidence of others. You must have due regard to the impartiality and integrity of the authority's statutory officers and its other employees[4].

Part Two – General Obligations

7. Behaviour

(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006);

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be:

(i) a complainant,
(ii) a witness, or
(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

8. Confidentiality - You must not—

(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(i) you have the consent of a person authorised to give it;
(ii) you are required by law to do so; the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(iii) the disclosure is—

(aa) reasonable and in the public interest; and

[4] Members may express themselves robustly in representing their or their constituents' views, although where a Member engages in a sustained or systematic challenge of an employee which is unfounded or in any other way unreasonable, such conduct would fall within the scope of this code.

(bb) made in good faith and in compliance with the reasonable requirements of the authority;

or

(b) prevent another person from gaining access to information to which that person is entitled by law.

9. Disrepute - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or your local authority into disrepute.

10. Acting improperly –

You—

(a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and

(b) must, when using or authorising the use by others of the resources of your authority—

(i) act in accordance with your authority's reasonable requirements;
(ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and

(c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

11. Advice

(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

(a) your authority's chief finance officer; or

(b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

Part Three – Registration and Disclosure of Interest
Registration of Interests

12. Within 28 days of this Code being adopted by the Council or within 28 days of your election or co-option (whichever is the later), you must notify

the Lapley, Stretton and Wheaton Aston Parish Clerk and The South Staffordshire Council Monitoring Officer of any 'disclosable pecuniary interests' which you have at that time[5].

13. Where you are re-elected or re-appointed, notification is only required of any new disclosable pecuniary interests within 28 days of your election or co-option.

14. You must keep your Register of Interests entry up to date by notifying the Parish Clerk and Monitoring Officer of any changes to your disclosable pecuniary interests within 28 days of the change occurring, or of you becoming aware of the change.

15. A pecuniary interest is a "disclosable pecuniary interest" as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations, 2012.

16. You are also required to notify the Parish Clerk and Monitoring Officer of any gifts or hospitality[6] with an estimated value of at least £50[7]. You must inform the Monitoring Officer of any such gifts or hospitality within 28 days of receiving them so that the details can be entered into the Register of Members Gifts and Hospitality.

Sensitive interests

17. If the nature of an interest is such that you and the Parish Clerk and Monitoring Officer consider that disclosure of the details of the interest could lead to you, or a person connected with you, being subject to violence or intimidation, the interest must not be included in any published version of the Register of Interests, or be entered into any copy of the register that is made available for public inspection[8].

Disclosure of disclosable pecuniary interests at meetings

18. The following provisions apply if you are present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority, and you are aware that you have a disclosable pecuniary interest in a matter to be considered, or being considered, at the meeting.

19. If the interest is not entered in the authority's Register of Interests, you must disclose the interest to the meeting (unless the interest is a sensitive interest[9]).

20. If the interest is not entered in the authority's Register of Interests and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure.

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[5] The Monitoring Officer must enter these interests into the Register of Interests, which will be made available for public inspection and published on the Council's website.

[6] Which you receive in your role as a South Staffordshire Councillor

[7] This does not include civic gifts or hospitality received by the Chairman of the Council whilst acting in this capacity. Civic gifts are to be recorded in a separate register maintained by the Chairman's Secretary.

[8] Instead the Register of Interests may state that the Member has an interest the detail of which are withheld under section 32(2) of the Localism Act 2011

[9] If the Member is required to disclose such an interest in a meeting, the Member need not disclose the interest, but merely the fact that the Member has a disclosable pecuniary interest in the matter concerned.

21. Where the interest does appear in the Register of Interests, you must bring the interest to the attention of the meeting (unless the interest is a sensitive interest).

22. You may not:

(a) participate, or participate further, in any discussion of the matter at the meeting,

(b) participate in any vote, or further vote, taken on the matter at the meeting (unless the Member has requested and been granted a relevant dispensation by the Standards Committee), or

(c) remain in the room during the discussion or vote on the matter.

23. Where you have a disclosable pecuniary interest in a matter to be c-onsidered at a meeting, you may attend the meeting but only for the purposes of making representations, answering questions or giving evidence relating to the matter, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise. Once you have finished, or the meeting decides you have finished, you must leave the room and may not remain in the room during the discussion or vote on the matter.

Disclosure of other interests at meetings

24. Where you are present at a meeting of the authority, or any committee, sub-committee, joint committee or joint sub-committee of the authority, and identify any other significant interests which you feel should be declared in the public interest, such interests may be declared to the meeting; this includes any interest which relates to or is likely to affect:

(i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;

(ii) any body-

(a) exercising functions of a public nature;

(b) directed to charitable purposes; or

(c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which the member of the Council is a member or in a position of general control or management.

25. In such circumstances you must consider whether your continued participation in the matter relating to your interest would be reasonable in the circumstances, particularly if the interest may give rise to a perception of a conflict of interests in the matter under discussion.

Allegations of a Failure to Comply with Code of Conduct

26. All complaints alleging a failure to comply with this Code will be considered in accordance with a procedure agreed by South Staffordshire Council.